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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,222	02/11/2002	Amir Genosar	056644-5002	9256

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No

Applicant(s)

10/071,222

GENOSAR, AMIR

Office Action Summary**Examiner****Art Unit**

Victor S Chang

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-845)
- 3) ☒ Information Disclosure Statement(s) (PTO 1449) Paper No(s) 0211
- 4) ☐ Interview Summary (PTO 413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolan et al. (US 6112380).

Dolan's invention is related to ornamental or decorative aglets for shoelaces.

Dolan teaches that the aglet is formed of a water expandable material disposed within the shell to form an expanded 2- or 3-dimensional object (column 2, lines 32-49). The shell of the aglet is intended to retain the collapsible and expandable material, and can be made of flexible and/or expandable materials such as plastic, rubber, cloth, paper, etc. (column 5, lines 22-27). In Fig. 1a-1f, Dolan shows that various images can be formed on the outer layer. In Fig. 3b, a compressed coiled aglet is shown. It is believed that the "shell", such as cloth and paper, is inherently structured as porous outer layers to retain the expandable material, and cloth and paper are also inherently capable of receive and retain indicia.

Claims lack novelty.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. (US 6112380) in view of Planin (US 2952462).

The teachings of Dolan are again relied upon as set forth above.

For claim 4, 7 and 8, Dolan lacks express teachings that the compressed expandable material is a greeting card. However, it is noted that Planin's invention is directed to a compressed expandable material which may be used for amusement, advertising, and utilitarian purposes (column 1, line 17-27). In Fig. 10, Dolan teaches that an indicia can be formed in the surface of an expandable sheet (column 6, lines 12-14). As such, it would have been obvious to combine the teachings of Dolan and Planin to place a picture, textual material or greetings on the expandable material, motivated by the desire to convey messages.

For claim 6, Planin shows in Figs. 4 and 8 that expandable materials can have predetermined shapes for interconnecting the periphery together.

For claim 10, it is known art that fragrance containing compressed sponge novelty items can be used to release its fragrance upon contact with water, as evidenced by the state of the art Farrell et al. (US 5522755, column 3m lines 37-43). As such, it would have been obvious to one of ordinary skill in the art to incorporate a

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fragrance in the water expandable material of Dalon and Planin, motivated by the desire to provide pleasing smells.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

VSC
July 2, 2003

DANIEL ZIRNER
PRIMARY EXAMINER
GROUP 1900-
1700

Daniel Zirner